

### **REMARKS/ARGUMENTS**

In the Office Action mailed January 10, 2006, claims 2-16, 18-30 and 32-47 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

Claims 2, 18 and 32 have been amended. No claims have been cancelled. Claim 48 is new. As such, claim 2-16, 18-30 and 32-48 remain pending.

### **CLAIM REJECTIONS 35 U.S.C. § 112**

Claims 2, 18 and 32 were objected to by the Examiner because of the phrase "such that." According to the Examiner, this phrase renders the claims indefinite. Applicants have amended these claims to remove this phrase. As such, Applicants respectfully submit that the amendment to these claims overcomes this objection and respectfully requests that the objection to these claims be removed.

### **CLAIM REJECTIONS 35 U.S.C. § 102(b)**

Claims 2-16, 18-30 and 32-43 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,959,529 to Kail, *et al.* (hereinafter referred to as "Kail"). Without conceding the propriety of the rejection, but rather to further prosecution of this case, claims 2-16, 18-30 and 32-43 have been amended and are believed to be in condition for allowance.

Initially, Applicants note that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must “bear within its four corners adequate directions for the practice of the patent invalidated.” (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2<sup>nd</sup> Cir. 1942)). Applicant respectfully submits that Kail embodies no such directions.

More particularly, the present invention enables remote monitoring by attaching a hardware controller directly to equipment and using an apparatus, detached from the equipment, to conduct the monitoring. The apparatus includes a display device, an input device, software executed by the apparatus and a communications device. The controller includes a unique identifier, which is assembled in a manner such that it provides the remote monitor with specific aspects or properties of the equipment. In other words, specific properties of the equipment are embedded within the unique identifier. Referring to Table 1 and paragraph [0032], the unique identifier can be assembled such that it provides the following:

- (i) Manufactured Month/Year;
- (ii) Shipped date;
- (iii) Device Brand;
- (iv) Device Feature Set;
- (v) Device Type; and
- (vi) Operating limits.

By providing these features, the remote monitoring device can more accurately monitor and react to a potential problem.

One of the main problems with the current techniques for monitoring is that these “techniques” do not overcome the scenario of having multiple devices with differing manufacturers at a single location. One of the main problems with this scenario is what is acceptable operating limitation on one device is not necessarily the same operating limitation on another manufacturer’s device. Even the same manufacturer can have multiple models in a same line with different operating parameters. With all of this lack of compatibility, it makes monitoring a more difficult task because what one might conceived as a “normal” operating limitation on Brand A is actually an early indication of failure on Brand B.

By having specific aspects of the equipment detailed in the identifier, the service personnel can more quickly determine if the reporting condition coming from the equipment is normal or an indication of failure. These specific aspects can inform the service personnel with such things as the manufacturer, feature set and device type. With this information immediately at their disposal, the service personnel can make a diagnosis of the problem and quickly take action. If this information is not immediately available, the technician would have to attempt to obtain the information from the equipment itself or from some other source. If the equipment is storing temperature sensitive material, the time delay, resulting from the lack of information, could be critical.

Kail discloses monitoring and assessing the status of a subject with a portable monitoring unit and a central monitoring. Additionally, Kail discloses the central monitoring device assigning each of the portable monitoring units 12 with an identifier.

Applicants specifically note that the Examiner has cited Kail as disclosing a unique identifier assembled using an array of data such that specific aspects of the equipment are identified. To sustain this rejection, the Office Action cites to column 3, lines 10-14.

Applicants respectfully disagree with the Examiner in that it discloses the previous pending or the currently amended independent claims. At best, Kail, in this section, discloses a unique identifier, receiving data from the unit and an ability to display the data. At no point in this section does Kail disclose assembling specific or manufacturing configuration aspects are embedded within the unique identifier.

To further support Applicants present arguments, Applicants note that there is no discussion or disclosure outside of the cited section alluding to a uniquely assembled identifier that discloses “specific manufacturing aspects” of the equipment.

Kail validates the Applicants’ present arguments in the disclosure found at column 7, lines 52-59. The disclosure states that the data relative to the portable sending unit is stored with locally stored reference data concerning the portable monitoring unit. In other words, the locally stored information is manufacturing configuration or generating data relative to the portable sending unit. This locally stored information is exactly what the Applicants’ presently claimed invention overcomes because many times this information is not stored or available to everyone especially a technician.

Furthermore, Kail discloses only using a “unique identifier” when two or more portable monitoring units are overseen by a single central monitoring device, hence the need for the unique identifier. Applicants’ invention is not so limited because the identifier in the present invention serves an additional purpose which is to supply specific manufacturing

configurations of the equipment. By limiting the identifiers to two devices, it is implicit that this identifier merely serves as an ID Tag and not a source of specific manufacturing data.

Kail, unlike the present invention, does not disclose or teach assembling a unique identifier using an array of data that such that specific aspects of the equipment are embedded therein. As such, Kail does not disclose or teach the presently claimed invention. Applicants, therefore, respectfully request that the rejection be removed and the claims be allowed to pass to issuance.

In light of the amendment to the claims, withdrawal of the rejection is respectfully requested.

#### **CLAIM REJECTIONS – 35 U.S.C. § 103(a)**

The Examiner rejected claims 44-47 under 35 U.S.C. § 103(a) as being unpatentable over Kail in view of U.S. Patent No. 6,524,230 to Harding (hereinafter referred to as “Harding”).

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. *MPEP* §2142. To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP* §2142

Claims 44-47 further claims the types of “specific manufacturing aspects” of the equipment. In view of the above arguments regarding the unique identifier having embedded information contained therein, Applicants respectfully submit that the cited references, either individually or in combination, do not teach or disclose all the elements to support a rejection

under 35 U.S.C. § 103(a). Applicants, therefore, respectfully submit that the rejection of claims 44-47 be removed.

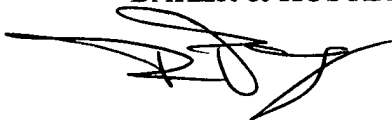
### CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that the outstanding rejections be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1703 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87289.1741.

Respectfully submitted,

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